



City of Marietta Meeting Agenda

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, September 10, 2008

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Councilman Van Pearlberg, Ward 4

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20081126 Swearing-in of new police officer

Swearing in of new police officer for the Marietta Police Department.

Brandon Shepherd

20081136 SPLOST for schools

Update by the SPLOST school committee.

PROCLAMATIONS:

20081114 Public Power Week

Donna Johnston receives a Proclamation declaring October 5-11, 2008 as the 22nd annual Public Power Week.

20081116 Clean Water Week

Karmen Scarbro receives a Proclamation declaring October 5-11, 2008 as Clean Water Week.

20081117 Fire Prevention Week

Assistant Chief Mark Anderson, accepts a Proclamation recognizing the week of October 5-11, 2008 as Fire Prevention Week.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

* **20081123 Regular Meeting - August 13, 2008**

Review and approval of the August 13, 2008 regular meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:**

* **20080965 Historic Preservation Commission Appointment**

Reappointment of Rebecca Nash Paden (Ward 6) to the Marietta Historic Preservation Commission for a term of three years, expiring September 14, 2011.

* **20081141 Historic Preservation Commission Appointment**

Reappointment of Thomas Samples (Ward 7) to the Marietta Historic Preservation Commission for a term of three years, expiring September 14, 2011.

ORDINANCES:

20080933 Z2008-10 First Landmark Bank 321 Cole Street

Z2008-10 [REZONING] FIRST LANDMARK BANK request rezoning for property located at 321 Cole Street (Parcel 222 at the northwest corner of Cole Street and North Marietta Parkway); 321 Cole Street (Parcel 222 north of North Marietta Parkway) in Land Lot 11450, 16th District; 307 North Marietta Parkway (Parcel 2170) and 325 North Marietta Parkway (Parcel 2050) in Land Lot 11440, 16th District, 2ND Section, Marietta, Cobb County, Georgia from OI (Office Institutional) to OI with stipulations (Office Institutional with stipulations). Ward 5.

Planning Commission recommends approval with stipulation

Vote: 6 -1 - 0

Motion: Mr. Gillis made a motion to recommend to city council that this rezoning be accepted subject to city council being satisfied with modifying any buffers as agreed between the parties, seconded by Mr. Parker. Mr. Carter opposed.

Stipulations: That city council be satisfied with modifying any buffers as agreed between the parties.

PUBLIC HEARING (all parties are sworn in)

Council member Philip M. Goldstein has submitted a written disclosure that the First Landmark Bank leases parking spaces at 48 Atlanta Street and is a subtenant in an adjacent building.

- * **20080936 Z2008-11 The Walker School 870 Industrial Park Drive**
- Z2008-11 [REZONING] THE WALKER SCHOOL request rezoning for property located in Land Lot 10180, 16th District, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia and being known as 870 Industrial Park Drive, from HI (Heavy Industrial) to OI (Office Institutional). Ward 5.
- Planning Commission recommends approval Vote: 7 - 0 - 0*
- Stipulation: n/a*
- PUBLIC HEARING (all parties are sworn in)*
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- * **20080939 Z2008-12 Tommy Nobis System, Inc. 1480 Bells Ferry Road**
- Z2008-12 [REZONING] TOMMY NOBIS SYSTEM, INC. request rezoning for property located in Land Lot 08700, 16th District, Parcel 0350, 2nd Section, Cobb County, Georgia and being known as 1480 Bells Ferry Road from OI [Office Institutional (County)] to OI [Office Institutional (City)]. Ward 4.
- Planning Commission recommends approval Vote: 7 - 0 - 0*
- Stipulation: n/a*
- PUBLIC HEARING (all parties are sworn in)*
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- * **20080940 A2008-01 Tommy Nobis System, Inc. 1480 Bells Ferry Road**
- A2008-01 [ANNEXATION] TOMMY NOBIS SYSTEM, INC. requests annexation for property located in Land Lot 08700, District 16, Parcel 0350, and all associated right-of-way and being known as 1480 Bells Ferry Road, 2nd Section, Cobb County, Georgia consisting of 3.8 acres. Ward 4.
- Planning Commission recommends approval Vote: 7 - 0 - 0*
- Stipulation: n/a*
- PUBLIC HEARING (all parties are sworn in)*
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- * **20080941 CA2008-06 Tommy Nobis System, Inc. 1480 Bells Ferry Road**
- CA2008-06 [CODE AMENDMENT] TOMMY NOBIS SYSTEM, INC. in conjunction with the requested annexation of property located in Land Lot 08700, 16th District, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1480 Bells Ferry Road, the City of Marietta proposes to designate the Future Land Use of said property as CSI (Community Service & Institutional). Ward 4.
- Planning Commission recommends approval Vote: 7 - 0 - 0*
- Stipulation: n/a*
- PUBLIC HEARING (all parties are sworn in)*

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- * **20081122 CA2008-07 Proposal to Amend the Comprehensive Development Code**
- Proposal to amend the Comprehensive Development Code of the City of Marietta relating to Division 708.26 Light Industrial, Paragraph B, Division 708.26 Light Industrial, Paragraph E, Division 708.27 Heavy Industrial, Paragraph B, Division 708.27 Heavy Industrial, Paragraph E, Division 712.01 Special Land Use Permits, and Division 724.02 Definitions of Terms, of the Comprehensive Development Code, related to Special Land Use Permits.
- Was presented to the Planning Commission under 20080861*
- * **20081068 Code Enforcement - 496 Barnes Mill Drive**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 496 Barnes Mill Drive.
Listed Owner: Lanham Marjorie Juanita
Certified mail receipt not received as of 08/28/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081069 Code Enforcement - 879 Meadow Place**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 879 Meadow Place.
Listed Owner: Zuniga Jose E.
Certified mail receipt return 08/18/08; unsigned.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081070 Code Enforcement - 1725 Crestridge Drive**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1725 Crestridge Drive.
Listed Owner: Rhodes John W. Jr. & Kathleen K.
Certified mail receipt not received as of 08/28/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081076 Code Enforcement - 650 Powder Springs Street**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 650 Powder Springs Street.
Listed Owner: Noble Realty, Inc.
Certified mail receipt returned 08/26/08; not signed by officer.
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

- * **20081081 Code Enforcement - 482 Hyde Drive**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 482 Hyde Drive.
Listed Owner: Sammie Jean & Betty Louise Stacy, JT/WROS
Certified mail receipt not received as of 08/28/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081082 Code Enforcement - 97 Rigby Street**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 97 Rigby Street.
Listed Owner: Louise Burke/Heirs At Large, c/o Hattie Scott
Certified mail receipt not received as of 08/28/08.
Taxes paid: Unpaid, in the amount of \$2591.70
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081083 Code Enforcement - 356 Wellons Street**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 356 Wellons Street.
Listed Owner: Sharon McHenry
Certified mail receipt not received as of 08/28/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081084 Code Enforcement - 375 Kings Court**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 375 Kings Court.
Listed Owner: Delores Guzman and Bertha Sanchez
Certified mail receipt received 08/18/08; unable to forward
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081085 Code Enforcement - 280 Grover Street**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 280 Grover Street.
Listed Owner: Lawton W. Evans, Jr.
Certified mail receipt not received as of 08/28/08.
Taxes paid: Unpaid, in the amount of \$1902.91

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

*** 20081088 Code Enforcement - 728 Chestnut Hill Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 728 Chestnut Hill Drive.

Listed Owner: Brian T. McNair

Certified mail receipt not received as of 08/28/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

*** 20081089 Code Enforcement - 245 Kimberly Way**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 245 Kimberly Way.

Listed Owner: John W. Hicks

Certified mail receipt not received as of 08/28/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

RESOLUTIONS:**CITY ATTORNEY'S REPORT:***** 20081118 Denial of a claim**

Denial of a claim by Maria Vences, Jennifer Vences, Lisbeth Garcia and Isabel Garcia.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson****2. Finance/Investment: Annette Lewis, Chairperson***** 20081050 Refunding Bond Issues**

Approval of an Ordinance amending the FY2008 budget to receive and appropriate bond proceeds for the new and refunding bond issues approved in FY2008

3. Judicial/Legislative: Philip M. Goldstein, Chairperson*** 20080987 Montgomery Park Tree Replacement Plan**

Motion to approve the Montgomery Park Tree Replacement Plan, required as part of the revised Detailed Plan for Montgomery Park Subdivision, subject to the stipulation that architectural elevations for the proposed development must

be reviewed and approved by City Council prior to the issuance of any building permits.

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

*** 20081020 City Club Fees**

Resolution amending the City of Marietta Fee Chart to revise certain fees for the City Club, Marietta.

*** 20081022 Cobb County Community Services Board Request for Street Closure**

Motion approving the closure of East Park Square for the Cobb County Community Services Board Book Fair on the Square Saturday, October 4, 2008 from 7:30 a.m. to 6:00 p.m.

5. Personnel/Insurance: Van Pearlberg, Chairperson

*** 20081016 Allocated Position Chart for FY 2008/09**

Ordinance to amend the 2008-2009 City of Marietta/BLW pay and classification plans and position allocation chart adopted by Ordinance 7214 to create the position of one full-time Community Hub Coordinator for the Franklin Road Weed and Seed Program [#1207].

*** 20081023 City/BLW Consolidated Pension Plan**

Ordinance revising City Code Section 4-12 regarding the Consolidated Pension Plan as recommended by the City/BLW Pension Board.

*** 20081024 Defined Benefit Pension Investment Services**

Motion approving a contract with Consulting Services Group, LLC for services to the City/BLW Defined Benefit Pension Plan as recommended by the City/BLW Pension Board.

*** 20081025 Supplemental Pension Plan Annuity Agreement with Principal Financial Services**

Motion approving the revised administrative services fees with Principal Financial Services for administrative services to the Supplemental Pension Plan to be effective 10-1-08. Recommendation for approval requested by the City/BLW Pension Board.

*** 20081026 Employee Health Care Program Calendar Year 2009**

Motion approving an Administrative Services Agreement for group health administration with provider to be effective January 1, 2009. Further, deleting the current HMO plan option and replacing that option with a POS plan as per Exhibit 1 contribution rate structure for plan year 2009 after review and approval by the City Attorney.

*** 20081028 City/BLW's Supplemental Pension Program**

Motion to amend the City/BLW's supplemental pension program by changing from ABN AMBRO Investment Option Income Fund E to ABN AMBRO Investment Option Income Fund D. Change is based on recommendation by the City/BLW Pension Board.

* **20081087 Supplemental Pension Plan**

Motion to modify the investment options available under the City of Marietta Supplemental Pension Program to include additional investment opportunities known as LifeTime Portfolios effective October 1, 2008.

Was presented under 20080712

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

20080757 V2008-11 Islamic Circle of North America, Inc. 968 Powder Springs Street

V2008-11 [SPECIAL LAND USE PERMIT] ISLAMIC CIRCLE OF NORTH AMERICA, INC. request a Special Land Use Permit for property located in Land Lot 00770, 17th District, Parcel 0152, 2nd Section of Cobb County, Marietta, Georgia and being located at 968 Powder Springs Street. Request for a Special Land Use Permit for a Place of Assembly. Ward 2.

PUBLIC HEARING (all parties are sworn in)

* **20081119 Motion to Rescind Legistar# 20080812**

Motion to rescind denial of 20080812 which Motion was denied on August 12, 2008.

* **20081131 FY2008 Work Plan Extension**

Motion to extend the 2008 Work Plan for the Marietta Redevelopment Corporation through and including November 17, 2008.

Requested by Council member Holly Walquist, Ward 3

Council members Goldstein and Lewis opposed.

20081137 Manget Detailed Plan

Motion to approve the revised Detailed Plan for Manget Development, Phase I, to allow a single family home on the lot identified at 173 Manget Street. However, nothing contained herein shall modify the stipulations previously approved by City Council, including the provision that all architectural elevations are subject to the review and approval of the City Manager.

20081146 Permanent Property Easements

Motion authorizing acquisition of permanent easement within the following properties for the purpose of the Roswell Street Streetscapes project:

269 Roswell Street	Bank of North Georgia	\$900
253 & 257 Roswell Street	Bank of North Georgia	\$7600

20081147 Partial Property Acquisition

Motion authorizing partial acquisition for the below listed property for the purpose of the Alexander Street widening (Roswell St. to Washington Avenue).

257 Roswell Street	Bank of North Georgia	\$3725
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20081148 Partial Property Acquisition

Motion authorizing partial acquisition for the below listed property for purpose of the Fairground Street widening (N. Marietta Parkway to S. Marietta Parkway)

306 Fairground Street	Carney Holdings, LLC	\$2120
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*** 20081105 BLW Actions of September 8, 2008**

Review and approval of the September 8, 2008 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

ADJOURNMENT: